THE

MADRAS LAW JOURNAL

I] JANUARY. [1948

THE HIGH COURT.

Things move very slowly with the Government. There is no sense of urgency even where urgent action is called for. There are eleven judges working now. Less than sixteen will not do at present in the present state of arrears and the increasing number of institutions and arrears are growing.

It is being stated that the Government are going to have twelve judges only at present. I consider it a mistake. If twelve judges work for the year 1948 more than sixteen judges will be found necessary next year. If on the other hand they appointed sixteen judges now and it was found that the reduction of arrears permitted the reduction of judges, they may leave future vacancies unfilled.

I was among those who at first felt that sixteen judges were perhaps too many but the unreduced arrears soon showed that sixteen judges were required.

The strength of judges in the High Court depends on another programme of the Government. It was said that they were contemplating the appointment of District judges for Madras, taking away the Original Civil Jurisdiction of the High Court. Some years ago the idea was mooted but finally dropped. Sir Tej Bahadur Sapru was here at the time. I took the opportunity of consulting him as one whose views should be valuable. He said that he regretted the lack of Original Civil Jurisdiction in Allahabad and it would be a great mistake to abolish it in the three Presidency Towns. Neither Bombay nor Calcutta is thinking of its abolition. Madras should consider whether it will go forward alone on a matter which admits of wide divergence of informed opinion. If they decided to go forward notwithstanding these considerations and abolish the Original Civil Jurisdiction of the High Court, the question of the strength of the High Court will wear a different aspect. Fourteen Judges may even then be required. So it seems to me. Time and experience will show whether we should have fourteen or can do with less.

Before deciding on the question of the strength of the High Court, let the Government obtain information as to the state of arrears under all heads on the 1st January, 1947, 1st July, 1947, and 1st January, 1948. That will help to decide the question. I think less than sixteen will not do at present. Twelve will be inadequate in any case.

T. R. VENKATARAMA SASTRI.

RETIREMENT OF SIR FREDERICK WILLIAM GENTLE, CHIEF JUSTICE.

His Lordship Sir Frederick William Gentle, the Chief Justice, has decided, rather suddenly, to relinquish his high office which he assumed only less than a year ago. We regret that His Lordship should have felt compelled to quit his office before the expiry of its full term. After having been a Judge of the Madras High Court for some years, he went to Calcutta as a Judge of the High Court of that Province and came back to Madras as the Chief Judge of our High Court in February last. The period of his office as Chief Justice though short, has been enough to demonstrate his resolve to discharge the duties of his exalted office conscientiously and thoroughly. There could not be any complaint as to the manner in which he heard and decided the cases before him and he was uniformly courteous to everyone who appeared before him. He can always look back upon the period of his office as head of the Judiciary in this Province with pride and satisfaction.

FAREWELL ADDRESS IN COURT BY THE ADVOCATE-GENERAL.*

Before a full Court of all the Judges of the High Court, Mr. K. Rajah Iyer, the Advocate-General made a reference to the retirement of His Lordship, Sir Frederick William Gentle, Chief Justice. In bidding him good-bye, Mr. Raja Iyer said:

" It is less than a year ago that I had the privilege of extending a hearty welcome to your Lordship when you assumed charge as Chief Justice of this Court. Little did I anticipate that I would be called upon to bid your Lordship good-bye and farewell within so short a time.

I believe your Lordship had also looked forward to more years of association with us but Providence has willed otherwise and we are reminded of the adage that " man proposes God disposes." Your decision to quit the high office has come upon the Bar as a complete surprise. We had high hopes and expectations that your lordship would discharge the duties of your office with ability, courage and distinction and that you would be a worthy successor to the galaxy of eminent Chief Justices who have presided over this Court. It is indeed a matter for satisfaction that brief though your stay has been, you have not disappointed us in our expectations and you leave behind pleasant memories and recollections ; and it is with a genuine feeling of regret that we bid you good-bye. From the very start you treated all the members of the Bar with unfailing courtesy. You brought to bear a high degree of conscientiousness in the disposal of cases. No member of the Bar ever left your court with a feeling that he did not have his full say. Your Lordship combined firmness of conviction with openness of mind and while extending utmost courtesy your Lordship insisted on the discipline and decorum of the court being observed. Your Lordship has also set a high standard of rectitude as the ideal to be maintained by the Bar as well as by the clientele public. The experience which your Lordship gained as a judge sitting on the Original Side of this Court for years before you went to Calcutta and as a Judge of the Calcutta High Court has stood you in very good stead and your Lordship never felt yourself on unfamiliar ground in dealing with any branch of law.

We know that you have always had a warm corner in your heart for the members of the Bar and that your endeavour and anxiety has been to maintain the prestige of the Bar and the dignity of the Bench.

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* 16th January, 1948.

Your kindly thought and interest towards the members of the Bar is amply testified by the parting gift of your Law Library consisting of several volumes of text books by well known writers, all in excellent condition, as an addition to the Bar Council Library for use of the apprentices.

Our best wishes go with you in your retirement."

The Chief Justice, replying to the farewell address said :

" It was with the deepest sorrow and regret that I felt compelled to terminate my responsibilities as Chief Justice of Madras so soon after I had assumed the appointment and earlier than I should have done ordinarily. It is an office which, I trust I am not guilty of exaggeration in saying, every holder of it is proud to fill ; and speaking for myself, I must ask you to allow me to be forgiven when I express a feeling of pride of having been privileged to be the head of the Judiciary in this Province. Since I took my seat as Chief Justice, less than a year ago, India has undergone a vast and wonderful change. Her independence has been attained and established ; and now she is the largest self-governing Dominion in the Commonwealth of Nations. Difficulties already she has had ; her troubles are not yet over ; there are many tasks to be performed and burdens to be borne. But whatever may be the problems which lie ahead, all of them will be found capable of solution and unquestionably, will be solved. Throughout the world, real and genuine expressions and feelings of congratulation and of goodwill have been manifested. It is the universal wish and the belief that, in the not far distant future, this great country will be a land of peace and plenty. I desire earnestly and in all sincerity and confidence to extend my own wishes to India for its prosperity and happiness ; long may it flourish.

Real freedom is freedom from being robbed, exploited, oppressed, tortured, killed. That freedom is assured to mankind solely by the Rule of Law. To ensure that that freedom is maintained, courts are established to enforce the law. Courts cannot properly and sufficiently discharge their functions unless they are completely independent and are unfettered from interference by the State executive and unless they are manned by an adequate number of competent magistrates, using that word in its widest meaning. Be it the State or a Corporation or a private citizen, however high or low his status in society, each is entitled to expect, and to receive, disposal of his cause by virtue of its merits alone and not by reason of any other consideration.

To you, Mr. Advocate-General, and to the gentlemen of the Bar on whose behalf you have spoken, it is difficult for me to acknowledge in adequate language how much I feel and appreciate the very charming observations which you have made. I should like to think that to some extent I am worthy of what you have so kindly expressed. When I assumed the office of Chief Justice in reply to the welcome you extended to me, I observed that I hoped, when the time came to lay down the responsibilities of my position, it could be thought I had not proved unworthy of the trust imposed on me. I pray that my hope is not entirely unfulfilled. If during the years it has been my privilege to spend in India it is felt I have made some positive contribution to the administration of justice in this country, there is some solatium upon my departure from it.

I also desire to assure you of the high regard, indeed the affection in which I hold the members of the Bar of Madras and of my admiration and respect for their intellect, learning and ability. The assistance and courtesy which have always been extended by the gentlemen of the Bar to the Bench are characteristics which, I am convinced will always exist. I wish to express my deep appreciation of the many kindnesses which I have been accorded by the members of the Bar.

It was nearly 12 years ago that, for the first occasion, I took my seat on the Bench of an Indian High Court. The time has now come for me to rise for the last occasion and to bid farewell. I do this, Mr. Advocate-General, with every expression of goodwill, good wishes, good fortune and gratitude to the Bar of Madras, coupled with a sincere and earnest hope that the prestige, dignity and independence of the High Court of Judicature at Madras will ever continue and remain undisturbed.

Administration of the law must not be and must not even appear to be affected by any factor other than the rendering of fair and pure justice as between citizen and State and between citizen and citizen. Justice must not be postponed since that may result in justice being withheld, and perhaps, denied.

Heretofore, the Courts in this country have commanded universal respect and regard. Indubitably, that must be retained. That continuance will prevail only so long as the Courts remain completely independent and the Judges are and are recognised as being devoid of any semblance of adherence to party, person or patron. Judges must, in all their actions, act with the fear of God, but without the fear of man. As long as those circumstances are not disturbed, confidence in the courts and the Judges will be unbroken and everyone will be secure with the knowledge that all decisions will be pronounced without fear, favour, affection or ill-will. That is no more and it is no less than what every subject is entitled to expect and to receive from the seat of justice and which is essential in order to preserve good government, good order and a general well-being of the State and its citizens.

I desire to express my profound gratitude to my brethren on the Bench for their able assistance and sage advice which invariably they accorded to me whenever sought. To the Registrar and to the officers of the Court, I wish to acknowledge their unfailing loyalty, untiring energy and marked ability in the faithful discharge of their difficult and manifold duties connected with the administration of justice. To all members of the staff of this High Court, I assure them of my deep appreciation for their co-operation, acute realisation of responsibility and their invaluable help and their contribution towards the smooth and successful running of the Court and its work. I wish also to make reference to the excellence of the work performed by the judicial officers and the members of the staff of the subordinate Courts in the province ; their tasks are difficult, but they are carried out with a high regard to all necessities required in the dispensation of justice.

I am also gratified to learn and I am certain, there will be universal approval, of the appointment of Mr. Justice Rajamannar as my successor to the office of Chief Justice of this High Court, which he is in every way so qualified to occupy. I desire to express to him my hearty congratulations and my sincere wishes for a long, happy and successful tenure."